

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JANUARY 19, 2010

Session 11-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on January 19, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, DRUHOT, HIGHLAND, KRANICH, MINSCH, VENUTI

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY CLERK JACOBSEN

Chair Minsch advised that she had to leave the meeting at 9:15 p.m.

**AGENDA  
APPROVAL**

**APPROVAL OF AGENDA**

The agenda was approved by consensus of the Commission.

**PUBLIC  
COMMENT**

**PUBLIC COMMENT**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

**RECONSIDERATION**

**RECONSIDERATION**

There were no items for reconsideration.

**CONSENT  
AGENDA**

**ADOPTION OF CONSENT AGENDA**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

January 5,  
2011  
Minutes

Determinati  
on of Non  
Conforming  
use as Bulk  
Petroleum  
Site 4755  
Homer Spit  
Road

1. Approval of the January 5, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Determination of Nonconforming Use as a bulk petroleum site loading facility located at 4755 Homer Spit Road

The Consent Agenda was approved by the consensus of the Commission.

**PRESENTATIONS**

**PRESENTATIONS**

There were no presentations scheduled.

**REPORTS**

**REPORTS**

A. Staff Report PL 11-12, City Planner's Report

City Planner Abboud reviewed his staff report.

**PUBLIC HEARINGS**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 11-10, CUP 11-03, A Request for a Conditional Use Permit (CUP) for a Daycare Facility in a Single Family Residence at 4136 Hohe Street

CUP for  
Daycare  
Facility at  
4136 Hohe  
St.

Commissioner Druhot disclosed that she had spoken to the applicant. She explained that there was a financial issue that she spoke with her about, in their discussion the applicant said she wanted to do a day care that would require a CUP and Commissioner Druhot explained that she couldn't talk to her regarding the CUP.

BOS/KRANICH MOVED THAT COMMISSIONER DRUHOT HAS A CONFLICT OF INTEREST.

Commissioner Bos said he is unclear regarding context of the discussion and the financial issue. He asked if Commissioner Druhot could give further explanation.

Commissioner Druhot explained a few months ago she had an opportunity to purchase something and the applicant would be renting from her. She said she is no longer in a situation where she would be buying a property the applicant would be renting.

VOTE: YES: KRANICH

NO: BOS, MINSCH, HIGHLAND, VENUTI, DOLMA

Motion failed.

Commissioner Venuti disclosed that he spoke to the applicant a couple months ago, she asked him to advise her regarding a property that she was anticipating using for the project. It was not this property and there was no discussion of the CUP. He advised her that she probably needed to get information from the Fire Marshall and that was his extent of involvement.

BOS/HIGHLAND MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST.

There was brief discussion.

VOTE: YES: KRANICH

NO: HIGHLAND, DRUHOT, MINSCH, DOLMA, BOS

Motion failed.

City Planner Abboud reviewed the staff report.

Susannah Webster, applicant, advised that she plans to use the one bedroom single family home at 4136 Hohe Street as a licensed daycare home. She does not plan to live in the home and therefore is required to apply for a CUP. She will be licensed by the State of Alaska for the care of up to eight children, including two of her own. She will meet all code requirements put forth by the DPS fire and life safety permitting for a daycare. A low fence will be built around the yard to create a safe play area, she will ensure parents are mindful of the surrounding homes and neighbors when dropping off and picking up children in her care.

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Daycare  
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St.

The hours of operation will be Monday through Friday 8:30 am to 5:30 p.m. She does not foresee any negative impact on the local area, surrounding homes, and businesses. Ms. Webster said she is a respectful and communicative neighbor and believes an addition of a daycare home to the area will benefit local families as well as the character of the neighborhood. There is a great need for quality child care in Homer and she has spent the majority of her adult life working with children, including owning and operating two licensed daycare homes in Homer more than ten years ago. She respectfully requested the approval of the CUP so she can continue the work she loves.

Chair Minsch opened the public hearing.

Steve Gibson, city resident, commented that as a landlord he has been approached in the past by people who wanted to use his commercial building as a daycare center. Unfortunately his insurance company turned down his request for insurance. It is difficult to find affordable child care in this town and whatever the Commission can do to enhance those opportunities, he would appreciate. He felt bad about having to say that he could not do that.

There were no further comments and the public hearing was closed.

Commissioner Venuti commented regarding his experience in the inspection business has shown that structures of this vintage have electrical issues. He asked staff and the applicant if they are aware if a recent electrical inspection has been done on the property. Ms. Webster responded that she is not aware of any inspections and she would have to defer to the Fire Marshall for consideration of the safety of the property.

BOS/DOLMA MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION.

There was no objection expressed and discussion ensued.

Commissioner Bos commented that his experience with the Fire Marshall has been that electrical requirements are a pretty major concern of theirs. He believes it is part of their criteria.

Commissioner Kranich added that the staff report has recommended conditions that the Fire Marshall certification has to be received prior to occupancy. He expects they will do what ever inspections are deemed necessary for a structure.

BOS/DRUHOT MOVED TO ADOPT STAFF REPORT PL 11-10, CUP 11-03, FOR A DAYCARE FACILITY IN A SINGLE FAMILY RESIDENCE AT 4136 HOHE STREET WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Kranich noted the header in the staff report referred to a different CUP number than on the front page and the agenda.

KRANICH/BOS MOVED TO AMEND THE STAFF REPORT AND STAFF COMMENTS AND RECOMMENDATIONS CHANGING THE VERBIAGE CUP 11-04 TO READ CUP 11-03.

There was no discussion.

VOTE: (Primary Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended): YES: DRUHOT, MINSCH, DOLMA, KRANICH, BOS, HIGHLAND, VENUTI.

Motion carried.

B. Staff Report PL 11-09, CUP 11-02, A Request for a Conditional Use Permit (CUP) to add a Petroleum Tank at 4755 Homer Spit Road

CUP to add  
a Petroleum  
Tank at  
4755  
Homer Spit  
Road

Commissioner Druhot stated that she has a conflict of interest with CUP 11-02

BOS MOVED THAT COMMISSIONER DRUHOT HAS A CONFLICT OF INTEREST IN THIS SITUATION.

Chair Minsch noted that the Commission deemed that Commissioner Druhot had a conflict regarding an action at the last meeting that involved this applicant.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Druhot left the table.

City Planner Abboud reviewed the Staff Report.

James Beckham, VP Ops, Harbor Enterprises, Inc, DBA Petro Marine, commented that he was in attendance to answer any questions the Commission may have.

Chair Minsch opened the public hearing.

There were no public comments and Chair Minsch closed the public hearing.

There was brief discussion with staff and the applicant regarding what appears to be a right-of-way. It was clarified that Lands End Way on the drawing is actually a private drive and not a public right-of-way.

It was noted that there is a discrepancy in the size and square footage of the warehouse and office area. City Planner Abboud explained that the applicant will be getting an asbuilt survey to verify the existing square footages. He suggested amending staff recommendation 4 to include all existing improvements on the lot.

BOS/KRANICH MOVED TO BRING CUP 11-02 TO THE FLOOR FOR DISCUSSION.

There was no objection expressed and discussion ensued.

Commissioner Bos expressed that up to this point the applicant has been a good steward of their responsibility in the tanks.

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Petroleum  
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KRANICH/BOS MOVED ADOPT STAFF REPORT PL 11-09 CUP 11-02 WITH STAFF RECOMMENDATIONS AND FINDINGS, AND AMENDING THE STAFF RECOMMENDATION 4 TO REWORD INCLUDING ALL EXISTING IMPROVEMENTS ON THE LOTS.

There was no further discussion.

VOTE: YES: MINSCH, DOLMA, KRANICH, VENUTI, HIGHLAND, BOS

Motion carried.

Commissioner Druhot returned to the table and Chair Minsch called for short break at 7:40 p.m. The meeting resumed at 7:45 p.m.

CUP for  
Bridge  
Creek Fire  
Hazard  
Mitigation  
Project

C. Staff Report PL 11-06, CUP 11-01, A Request for a Conditional Use Permit (CUP) for the Bridge Creek Fire Hazard Mitigation Project

Planning Technician Engebretsen reviewed the staff report. Planning Technician Engebretsen provided a revised map clarifying the public acreage to be included and private property that is not included. She also clarified that the staff report shows an incorrect total acreage as 410 acres, but not all the City property is being addressed, only what is close to the reservoir. She noted the laydown Public Works Director Meyer that specified that Water/Wastewater Treatment Superintendent Cook will be the City staff person who will be involved in the oversight and participation.

Commissioner Highland disclosed that a few months ago she was involved with a group that brought up the discussion of the Bridge Creek Fuel Mitigation. It wasn't discussing the CUP and it was discussing the original way they were going to do it, which was logging.

BOS/KRANICH MOVED THAT COMMISSIONER HIGHLAND HAS A CONFLICT OF INTEREST.

Chair Minsch asked for clarification of what was addressed in the discussions. Commissioner Highland explained that a few months ago there was a plan that it would be a logging operation. The subject came up in a group conversation, and since then it has changed so that it won't be a logging operation, so the discussion was not about what is in front of them now. At that time she was told that it was dropped and nothing was going to happen.

Commissioner Dolma asked if she felt anything in the conversation she had would prejudice her against fairly considering the CUP on the table. Commissioner Highland responded that she would not with what is in front of the Commission. If it had been the one that was going to be logging, she just had questions.

Commissioner Bos commented that it is still a logging procedure, just a different type of procedure.

Chair Minsch asked her to clarify, the depths of their conversation were whether or not the project should or would be allowed, and she was told it wouldn't be happening.

Commissioner Highland responded yes, and it was from some people that had been involved in talking about this previously to the Spruce Bark Beetle Mitigation group. Ms. Highland noted that the plan is very different from the original one being discussed.

Commissioner Kranich commented that this creates an interesting situation where people in our community are active in many facets of our community life where something can come up and be discussed, and then several months later it comes up in a totally different venue. It can cause problems. He is inclined to vote that she does have a conflict although he could be persuaded otherwise if there is more feedback. It just brings forward the degree of care we have to have in our daily lives as to potential conflict when we are sitting on a board that deals with land management and land use that can result in impacts on the community and property owners. The Commission does this every meeting.

Chair Minsch expressed her agreement. Any land use issue in Bridge Creek has to come before the Commission and she thinks the public perception of the Commission making decisions about issues before they are in front of the Commission is very important.

Commissioner Highland added that she was surprised to see it as a CUP because she didn't realize it could come to them as a CUP.

VOTE: YES: BOS, DRUHOT, MINSCH, KRANICH  
NO: VENUTI, DOLMA

Motion carried.

Commissioner Highland left the table.

City Manager Wrede, applicant, addressed the Commission. He explained that City has been concerned about the situation around Bridge Creek Watershed (BCWS) and have talked to the Division of Forestry and others about forest health, fire danger, and what could be done up there. It came to a head recently when the Borough Spruce Bark Beetle program got some stimulus money which has enabled them to do mitigation projects in communities. He references the report that analyzes the forest health, how quickly it is regenerating, how quickly it could regenerate if selectively replanted, and the fire danger if one was to occur. City Council reviewed the report and decided that it was worthwhile to explore this further and move ahead, as noted in the resolution included in the packet. That action prompted applying for the CUP and working together with the agencies outlined in code, including the Soil and Water Conservation District (SWCD) and others listed in the application. The two main concerns of the City are long term water quality and public health and safety. City Manager Wrede pointed out that the report shows that a wildfire would move very rapidly through that area, burn pretty hot, and flames would be high. It would be almost impossible to fight it with hand crews because once the flames are over a certain height crews can't walk in. This area is listed in the State's Fire Management Plan as an area where fires would be fought very aggressively because they are close to structures and people. Very aggressively means use of bulldozers, chemicals, and things of that type, things we do not want in the water shed. In terms of fire danger, it can't be eliminated, but the rate at which it spreads could be slowed, and it can be made so hand crews may be able to get in and slow it down. The area is close enough to subdivisions along Skyline Drive and upper West Hill Road that could be in danger very quickly as shown on the maps. The City Administration feels that they have a responsibility to address this safety issue. Another concern is the impact a fire could

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have on water quality and the reservoir. He noted reference to other instances in the country where forest fires went through watersheds, burned hot enough to get down into the mineral soils, then rains brought siltation and erosion problems. Our reservoir is already showing problems with climate change, particulate matter, and organics getting into the reservoir. It isn't a deep body of water and could silt up rather quickly. We just spent \$11 million on a new water treatment plant, and it is only as good as the reservoir that serves it. The City thinks efforts to mitigate a forest fire in that area to the extent that we can, and also help the forest regenerate more quickly is the best thing to do. As noted in the report, most of the forest is dead and is not regenerating quickly. The application the City is open to the idea of not scarifying and replanting immediately based on the concerns included from the SWCD, but the City thinks there is real benefit to planting next year, and code prefers replanting. From a long term water quality perspective, the healthier the forest is and quicker it regenerates the better.

Duane Bannock, Kenai Peninsula Borough Program Manager of the Spruce Bark Beetle Mitigation Program (SBB), commented that they are in attendance to answer questions and address concerns. He introduced Wade Wahrenbrock, SBB Fire & Fuels Specialist, and Michael Fastabend, SBB Coordinator. Mr. Bannock commented that the proposal in front of the Commission is a great project for the City. He expects the cost of the effort will be in the area of \$150,000 which will be spent in private contracts and SBB staff oversight and management of the project. The cost to the City is zero. The cost of not doing anything carries a great risk. He noted the Public Works comment in the staff report that wildfire is a hazard to the water quality of the public drinking water source. Reducing the fire risk is less detrimental than what the effects of a fire would be on water quality.

Chair Minsch opened the public hearing.

Rachel Lord, commented on behalf of Cook Inletkeeper, summarized the letter provided as a laydown item and said they are not convinced that the risk associated with a potential fire in the BCWS outweighs the considerable risks associated with this project. Felling trees will not eliminate the risks associated with fire and the proposed project area surrounds the City's sole drinking water source. There are known risks to water quality and watershed functioning when felling all but three to six dead trees per acre across the project area. While a hot and severe fire in the area may cause soil erosion and impaired water quality, we know that mismanaged timber projects do result in soil compaction and erosion, especially in an area like this with fast moving streams, sensitive soil types, and steep slopes. Other risks include increased establishment of highly flammable grasses in the understory, establishment of invasive weed species that are costly and sometimes impossible to eradicate, and increased access to an already heavily used area for recreation. Humans are the primary source of ignition for wild fires in the area, and although steps may be taken to discourage use they still believe the risk of increased access and therefore increased fire danger should not be underestimated. Placing the City's drinking water source at risk for a demonstration project such as this does not seem to be in the City's best interest. Based on suggestions from Natural Resources Conservation Service (NRCS), SWDC, and the Inletkeeper's review of the application they suggest that if the Commission decides to grant the CUP:

- Project activity when soils are frozen to reduce compaction and erosion potential.
- 50 foot stream buffers maintained with no felling.
- Hand felling done within the reservoir buffer, wetlands, slopes steeper than 10%, and vulnerable soil types.
- Invasive weed control plan.

- Re-vegetation, especially by mechanical scarification, should not be performed.
- Project plans should protect, not compromise the existing re-vegetation which has been noted as adequate.
- City appointments of a qualified on-site supervisor that will ensure all points of the contract are followed during daily operations.

Ms. Lord encouraged the Commission to take the most conservative route of operations to accomplish project goals. The risk of this project should be weighed as potential future fire risks in the water shed. Inletkeeper does not believe that the known risks to water quality and watershed functioning in the BCWD associated with this project outweigh the potential benefits in the case of a future wildfire.

Question was raised regarding the height of the slash piles. Ms. Lord referred to the NRCS suggested practices of within 4 ½ feet of the ground.

Steve Gibson, city resident, commented on his own behalf that the idea of fire hazard mitigation in this particular location at this time is a poor idea. He said he has no particular credentials and has been a logger and saw miller for the last 45 years. In his logging experience he has found that even the constraints they are working with in the plan qualify it as a logging operation, it may be with the purpose of mitigating fire hazard, but it is logging none the less. If it were hand felled in the areas outlined in the CUP he thinks it would go a long way toward mitigating damages. He believes Ms. Lord was referring to the height of timber after it is laid down. If a machine is taken in to cut it to make it lie within a foot of the ground a different environment is being created than if it was left at a 4 ½ foot height. If there is any fire hazard advantage that can be maintained it would be that by felling the trees you aren't removing the fuel, you are making it rot faster. Essentially you are moving it away from the tower aspect where you can have flying debris. Mr. Gibson referenced the aerial photo and pointed out and suggested how a fire might be inclined to travel.

Question was raised if cutting it lower to the ground would increase the break down and if it would be more desirable. Mr. Gibson responded initially it would a lower hazard, but it also changes the entire regeneration ecosystem of the woods. There hasn't been a regeneration survey of these lands, but there should be before saying if they are going scarify to replanting. It is his feeling regeneration is well afoot in these areas, and some areas would meet the State's standards. There are an awful lot of young trees doing well and bringing in the machinery, the fewer that are apt to survive.

Joel Cooper, resident in the BCWS district, commented that he doesn't feel like the fire mitigation is necessary for the area and agrees with most of the comments from Cook Inletkeeper. He pointed out that the plan refers to maps to show access to the routes and he did not see any, which concerns him if access is to go across his property. He thinks they should consider the SWCD report first question of the nature, extent, and degree of the fire threats of the area and how much is the threat reduced by the project. He doesn't feel that there is weight one way or another, but he knows coming in with heavy machinery will have an impact on the soils. His experience with another project through the SBB project was logging on Easy Street, further east of this area, but in the BCWS district. There was some logging done and he spoke several times with the logger and watched some of the stuff. He was concerned when he found out that the logger wasn't aware of the BCWS ordinance. Nor was he aware of hand logging and limbing the natives had done to their 40 acre parcel a few years ago, and was about to go in with heavy equipment onto the land. He is concerned about



the lack of oversight that seemed to be at that particular project, and what kind of oversight will there be for this project.

There were no further comments and Chair Minsch closed the public hearing.

Mr. Fastabend and Mr. Wahrenbrock provided the following comments and responses to questioning from the Commission:

- They are here in their role to work with communities to reduce hazards as identified.
- Part of their project planning and understanding since the beginning is that any mechanical activity in this area needs to be on frozen ground and hand felling taking place when there is no snow level.
- There is a map that shows treatment zones showing what will be done mechanically and what will be requiring hand treatment felling, specifically around the lakeshore, the two drainages that come in from the north side, and anywhere that soils are such that would require hand felling.
- There is natural alder/willow along the streams providing a buffer and they do not foresee any problems maintaining a buffer. Stream buffers are part of the best management practices.
- The acreage is approximately 125 acres of City and Borough land and about 20 acres of University land that will encompass this project.
- They have used the NRSC soil maps as part of their project layout. Within the project area there is about 10% of the soils that are not well draining. Most are on silty loams which are well drained.
- Invasive species are primarily transported in by vehicles and are not an issue they have had with their logging machineries or contractors to date within the SBB program.
- Access to the hand felling areas near roads will allow crews to walk in and out. Further away from the road system moving crews to the shoreline by boat so they can walk in from the shore will be most effective.
- Forest Service reports regarding natural regeneration coming in after beetle kill isn't expected to occur until 30 to 40 years post beetle mortality. Without any active management the only substrate for tree seedlings to land and sprout is logs, which provide nurse homes for tree seedlings. Active regeneration can accelerate establishment of next forest by 30 to 40 years. They advise when doing fuel treatment is to get a healthy forest growing as fast as you can.
- The option for areas for firewood salvage has been eliminated from the plan because of the desire to eliminate skidding on the project.
- With the ice and frost on the ground normally there is very little surface disturbance of vegetation, and when operating on top of snow there is almost zero.
- The purpose of the scarification is to create a micro site for seedlings to have an opportunity to start growing. The area scarified will begin to re-vegetate that same summer. The seedlings planted will have more time to get better established.
- In the event of a fire, the 4 ½ foot slash height could produce enough heat intensity to involve the full canopy left out there. One foot would be advantageous of reducing the fuel height to a point where you wouldn't produce as much heat to have a canopy fire.
- Their intention is to do the public lands this year and hope the private land owners will participate soon after. In the event private property owners choose not to, there is still a benefit to do the small areas on the south side as once a fire got into those areas it would likely be a surface fire and not a crown fire. There is a much greater chance that live green trees would stay un-impacted by fire if treated.

Chair Minsch called for a break at 9:13 p.m. to pass the gavel to Vice Chair Bos and leave. The meeting came back to order at 9:19 p.m. and discussion resumed. City Manager Wrede joined the discussion.

- Slash piles 4 feet high would be too high to get hand crews in for fire fighting, especially with the apparatus fire fighters have to use.
- Reforestation was initially included in the project and the City wrote the application in such a way to show flexibility in an effort to be sensitive to the feedback that had been received initially. It was done with reservations because the City would like see the forest become healthy as quickly as possible. Reforestation can be added if the Commission chooses.

Mr. Bannock joined the discussion emphasizing SBB's sense of urgency for moving forward with the project because of the timing to use the federal funding and the notion that we are on the down side of the winter season. The project is best done in the winter and they are lining things out to get started as soon as the CUP is approved. Reforestation is not against the clock for funding and can be done from other funds, but it would be more cost effective to include it in this project.

There was discussion of a need to take time for consideration of information received and to consider possible amendment and also the time frame that the SBB representatives have to do this project before they risk losing the funding to do it.

VENUTI/KRANICH MOVED FOR THE APPROVAL OF CONDITIONAL USE PERMIT FOR THIS PROJECT WITH THE FINDINGS AND CONDITIONS.

Commissioner Venuti commented that the issue of fire safety is very valid and they should move forward with the project.

In response to further questions from the Commission there was discussion with the SBB representatives regarding tree surveys, reforestation, and a possible amendment for establishing a condition for reforestation.

KRANICH/DRUHOT MOVED TO AMEND CONDITION 3 TO CHANGE THE LAST WORD IN THE EXISTING CONDITION FROM DEPARTMENT TO COMMISSION. THEN ADD: IF THE RESULTS OF THIS SURVEY INDICATE A NEED FOR REPLANTING TO REACH OPTIMUM REFORESTATION, THIS PLANTING SHALL BE ACCOMPLISHED WITHIN THE NEXT GROWING SEASON OR SOONER.

There was brief discussion that there is a need to get the forest back to green as soon as we can.

VOTE: (Primary amendment): KRANICH, DRUHOT, BOS, VENUTI, DOLMA

Motion carried.

There was no further discussion of the main motion as amended.

VOTE (Main motion as amended): YES: BOS, DRUHOT, VENUTI, KRANICH, DOLMA  
Motion carried.

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Commissioner Highland returned to the table.

**PLAT  
CONSIDER  
ATION**

**PLAT CONSIDERATION**

There were no plats for consideration.

**PENDING  
BUSINESS**

**PENDING BUSINESS**

- A. Staff Report PL 10-111 Draft Ordinance Amending the City of Homer Comprehensive Plan to Include the Homer Spit Comprehensive Plan and Recommending Adoption to the Kenai Peninsula Borough

BOS/KRANICH MOVED TO TAKE THIS UP AT THE NEXT MEETING.

There was brief discussion. Planning Technician Engebretsen said she would bring the amendments brought up in the worksession back in memorandum that the Commission could adopt.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**NEW  
BUSINESS**

**NEW BUSINESS**

There were no New Business items scheduled.

**INFORMAT  
IONAL  
ITEMS**

**INFORMATIONAL MATERIALS**

- A. City Manager's Report

**AUDIENCE  
COMMENT**

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

City Manager Wrede thanked the Commission for their consideration of the application for Bridge Creek. He knows it wasn't an easy one and appreciates their thoughtful consideration.

Bill Smith commented that he spent seven or so years sitting where they were and he wanted to observe that when Ms. Highland declared a conflict she should have declared ex parte communication which is far different. Under those circumstances she should have been allowed to participate.

**STAFF  
COMMENT**

**COMMENTS OF STAFF**

There were no staff comments.

**COMMISSI  
ON  
COMMENT**

**COMMENTS OF THE COMMISSION**

Commissioner Highland and Druhot had no comments.  
Commissioner Kranich commented regarding the Commissioner's use of staff and staff time. All Commissioners have access to staff to get information and have staff accomplish certain

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functions for them. That is something all Commissioners should have an equal footing on. He doesn't think it's appropriate to staff come in on the weekends to send an email to the seven of them. We would be having staff come in quite often on weekends. The Chair gave instruction that the email should be sent on Monday and nothing was accomplished by having it over the weekend, but staff was requested to come in, which they did. He doesn't know what they put on their time card, and if that venue is open to all Commissioners, that's fine. When the Chair gives input he doesn't think the Commissioners should circumvent that advice and information and ask staff to come in on the weekend. It shouldn't happen again and it shouldn't be tolerated by staff either.

Commissioner Venuti thanked Commissioner Highland for the pizza.

Commissioner Dolma said thanks for the pizza.

Vice Chair Bos thanked everyone who supports the Commission and Commissioners.

**ADJOURN**

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:31 p.m. The next regular meeting is scheduled for February 2, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_